

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PRISCILLA BENAVIDES,

Plaintiff,

v.

Civ. No. 20-326 JCH/JFR

**STATE OF NEW MEXICO
DEPARTMENT OF TRANSPORTATION et al,**

Defendants.

**ORDER ADOPTING THE MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

THIS MATTER comes before the Court on United States Magistrate Judge John F. Robbenhaar's Proposed Findings and Recommended Disposition ("PFRD") (Doc. 108), filed June 15, 2023, proposing a final General Release and Settlement Agreement (Doc. 108-1) as a result of the parties' respective Motions to Enforce Settlement (Docs. 95, 99). Objections to the PFRD were due no later than June 29, 2023. (Doc. 108). No objections have been filed, and the deadline for doing so has expired. The failure to make timely objections to the Magistrate Judge's PFRD waives appellate review of both factual and legal questions. *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1059 (10th Cir. 1996). Having reviewed the PFRD and the parties' cross motions to enforce settlement, the Court concludes that it agrees with the PFRD.

IT IS THEREFORE ORDERED that the Magistrate Judge's PFRD (Doc. 108) is **ADOPTED**. Both Plaintiff's Motion to Enforce Settlement Agreement (Doc. 95) and Defendants' Motion to Enforce Settlement (Doc. 99) are **GRANTED in PART** and **DENIED in PART** as more fully explained in the PFRD. Plaintiff's request for attorney's fees and costs in conjunction with her motion to enforce is **DENIED**.

IT IS FURTHER ORDERED that the parties must agree upon and insert a workable retirement date in Paragraph 5(c). Then, all parties and necessary signatories must sign and execute the General Release and Settlement Agreement (Doc. 108-1) as soon as possible, but no later than **July 28, 2023**. Then, the parties must file the appropriate closing documents under Rule 41(a) with this Court no more than **five business days** after the General Release and Settlement Agreement has been fully executed. After those closing documents have been filed, the Court will enter a final order dismissing all of Plaintiff's claims.



SENIOR UNITED STATES DISTRICT JUDGE